IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO 1153 OF 2006.

IN

SUIT NO.2573 OF 1985

Central Bank of India ...Plaintiff

V/s.

New Bombay Cloth Agency & Ors. ...Defendants.

Mr.N.D.Yelkar for the plaintiff.
Mr.Vicky Singh i/b.Thakarada & Madgarkar for the defendant

CORAM : S.J. VAZIFDAR J.

DATE : 16TH JULY, 2007.

P.C. :-

1. By this Notice of Motion the defendant seek to restrain further evidence being recorded on the ground that the suit is barred under the provisions of Order II, Rule 2 of C.P.C.

2. The Notice of Motion appears to be nothing but an attempt at preventing the suit from proceeding to a hearing. The defendants are always at liberty to argue their contention at the final hearing of the suit. Notice of Motion is dismissed.